

**REMARKS:**

**Status Of Claims**

Claims 1-20 were previously pending. Claims 21-32 have been added. Thus, claims 1-32 are currently pending in the application with claims 1, 9, 17, 19, 23, 27, and 32 being independent.

**Office Action**

In the office action, the Examiner rejected claims 1-20 under 35 U.S.C. 102(e) as being anticipated by Farrar Jr. et al., U.S. Patent No. 6,122,671. Applicant respectfully asserts that the currently pending claim distinguish the present invention from the prior art. Specifically, claim 1 recites "provisioning the computing and communication device by pushing the information as well as all applications needed to act upon the information to the computing and communication device". The present invention is an improvement over "existing push types of communication services [that] can only push short messages and are therefore not robust enough for many business applications that require more extensive messages and data to be pushed to users", as stated on page 1, lines 31-34.

More specifically, as stated beginning on page 2, line 24, and continuing to page 3, line 3:

The computer network may also provision devices by automatically loading and assembling software applications in the devices wirelessly without input or configuration from users of the device. For example, in one embodiment of the invention, the computer network may push information to a device operated by a recipient as described above. The device may then determine that it does not have the necessary applications and/or software versions to

process the information and thus automatically transmits a wireless message back to the computer network with an indication of what applications and/or software versions need to be sent to the device. The computer network then automatically pushes any additional necessary software to the device. This allows all information and necessary programs to be seamlessly pushed to a device without requiring the user of the device to determine which programs are necessary to run the information, request the information, or to load the information and programs into the device.

Thus, not only can the present invention push messages to remote devices, the present invention can also push software applications needed to use that information. A more detailed discussion of this feature begins on page 9, line 8.

In contrast, Farrar is simply one of the "existing ... types of communication services [that] can only push [send] messages and are therefore not robust enough for many business applications that require more extensive messages and data to be pushed to users" discussed above.

The Examiner analogizes sending Farrar's data forms with pushing software applications. This analogy is flawed. As stated in column 5, lines 59-61, Farrar's data forms are designed to "minimize the amount of data that needs to be transmitted over the satellite network 16 by transmitting a form identifier, and the binary data to fill in the form". Thus, Farrar's data forms are simply a data compression scheme.

In fact, even Farrar does not consider his data forms to be analogous to applications. For example, as disclosed in column 36, lines 55-58, a "CAD application sends a message to the CPG. The CPG then sends the message outbound to a Mobile Earth Station. The Outbound Message may contain a fixed format message or a" data form. Simply put, Farrar's applications send messages which may contain, or be formatted according to, his data forms.

There is absolutely no disclosure in Farrar concerning the messages containing applications. In fact, since Farrar is communicating over satellite, the messages must be kept as small as possible in order to conserve precious bandwidth. This need for data compression is the whole purpose of Farrar's data forms in the first place. Specifically, as disclosed in column 2, lines 35-38, Farrar's is trying to provide "advanced messaging capabilities where a variety of messages can be initiated by mobile terminals without providing excessive loading on the satellite". Therefore, modifying Farrar to send software applications in the messages would go against Farrar's teaching and choke Farrar's satellite to the point of rendering Farrar incapable of performing its intended function. As a result, Farrar does not disclose, suggest, or make obvious "provisioning the computing and communication device by pushing the information as well as all applications needed to act upon the information to the computing and communication device", as claimed in claim 1.

Claim 2 recites "receiving from the computing and communication device an indication of what applications are needed to act upon the information". As discussed above, the device of the present invention can "automatically [transmit] a wireless message back to the computer network with an indication of what applications and/or software versions need to be sent to the device".

In contrast, Farrar discloses no such capability. The Examiner incorrectly relies on Farrar's disclosure, in column 6, lines 26-30, of a dispatcher creating new data forms and then downloading them "via satellite to the mobiles". Simply put, Farrar's dispatcher creates the data form and then, on his own accord, pushes the newly created data form to the mobile device. Farrar's mobile device never determines that it needs a new data form, much less sends "an indication of what applications are needed to act upon the information", as recited in claim 2. Furthermore, as discussed above with respect to claim 1, Farrar's data forms are simply non-analogous to software applications. As a

result, Farrar does not disclose, suggest, or make obvious “receiving from the computing and communication device an indication of what applications are needed to act upon the information”, as claimed in claim 2.

The Examiner rejected claim 3, asserting that Farrar discloses sending dispatch information. As claim 3 depends from claim 1, which is in a condition for allowance, claim 3 is also allowable.

However, as disclosed on page 6, lines 16-18, “the term ‘information’ is meant to include all types of messages, data, programs, applications, and other information that senders may wish to send to recipients, or vice versa”. Therefore, the present invention is not limited to dispatch information. Thus, new claim 21 is essentially original claim 3, without reference to dispatch information. Similarly, new claim 22 is essentially original claim 11, presumably rejected on the same grounds as claim 3, without reference to dispatch information. Both claims 21 and 22 recite “the information including at least one of the following: calendar information, search request, location information software, and software upgrades”.

In contrast, Farrar is exclusively limited to dispatch information. As a result, Farrar does not disclose, suggest, or make obvious “the information including at least one of the following: calendar information, search request, location information software, and software upgrades”, as now claimed in claims 21 and 22.

Referring to claims 9, 17, and 19, as discussed above with respect to claim 1, Farrar does not disclose “pushing ... all applications needed to act upon the information to the computing and communication device”. In fact, as discussed above with respect to claim 1, Farrar is specifically directed to minimizing data sent to the device, and therefore cannot be modified to push applications to the device. As a result, Farrar does not disclose, suggest, or make obvious “provisioning the computing and communication device

by pushing the information as well as all applications needed to act upon the information to the computing and communication device", as claimed in claims 9, 17, and 19.

Referring to claims 10, 18, and 20, as discussed above with respect to claim 2, Farrar does not disclose "receiving from the computing and communication device an indication of what applications are needed to act upon the information". In fact, as discussed above with respect to claim 2, Farrar's dispatcher pushes the created proforma to the device, on his own accord and without receiving any indication from the device. As a result, Farrar does not disclose, suggest, or make obvious "receiving from the computing and communication device an indication of what applications are needed to act upon the information", as claimed in claims 10, 18, and 20.

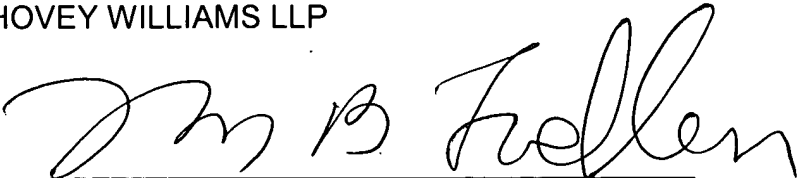
Claims 23-32 have been added to further distinguish the present invention over the prior art. The remaining claims all depend directly or indirectly from independent claims 1, 9, 17, or 19, and are therefore also allowable.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,  
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